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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,778	01/27/2004	Lane Thomas Holloway	AUS920030987US1(4029)	2464
45557	7590	08/21/2007	EXAMINER	
IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749			HASSAN, RASHEDUL	
ART UNIT		PAPER NUMBER		
2179				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/765,778	HOLLOWAY ET AL.
	Examiner	Art Unit
	Rashedul Hassan	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 May 2007.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, 9-11, 18-20, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold et al. (US 6,502,000 B1) hereinafter Arnold.**

For claims 1-2, 9-11, 18-20 and 26, Arnold teaches a method for a client device (12 in Fig. 2) having a common interface to interact with a server device (11 in Fig. 1) having an interface, the method comprising: receiving, by the client device, of user interface descriptions from the server device (21 in Fig. 2), wherein the user interface descriptions comprise commands and options; mapping of the commands and the options to inputs on the common interface, thereby producing mapped inputs (22 in Fig. 2); and transmitting a selected one of the mapped inputs from the client device to the server device for execution by the server device (24 in Fig. 2). Arnold further teaches executing the selected one of the mapped inputs received by the server device (25 in Fig. 2, also see column 2 lines 4-43).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-12,14-16 and 18-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirota et al. (US 2003/0158898 A1) hereinafter Hirota.**

For claims 1,9,10,18,19,26 and 27, Hirota teaches a method for a client device (102 in Fig. 1) having a common interface to interact with a server device (101 in Fig. 1) having an interface, the method comprising: receiving, by the client device, of user interface descriptions from the server device ([0020]) recites receiving “dialog information” which constitutes the user interface description of the device to be controlled. Furthermore [0203] teaches that the Bind Layer Inference module 1401 in Fig. 6 may be formed on the control device to generate the mapping), wherein the user interface descriptions comprise commands ([0137]) and options ([0129]); mapping of the commands and the options to inputs on the common interface, thereby producing mapped inputs ([0021]); and transmitting a selected one of the mapped inputs from the client device to the server device for execution by the server device ([0188]).

For claims 2,3,11,12,20 and 21, Hirota further teaches executing the selected one of the mapped inputs received by the server device, wherein the executing comprises reading xml associated with the selected one of the mapped inputs transmitted to the server device, and performing the selected one of the mapped inputs ([0188]).

For claims 4-6,14 and 22-24, Hirota further teaches prompting the client device for configuring the inputs of the client device by the user ([0206] to [0215] teaches how a wizard type program can prompt a user through configuration of the control device).

For claim 7, Hirota further teaches that the receiving of the user interface description comprises receiving XML files (Fig. 21A and 21B, also [0141]).

For claims 8 and 25, Hirota further teaches the receiving and the transmitting comprises via wireless communication between the client device and the server device ([0093]).

For claims 15 and 16, Hirota further teaches that the client device comprises a portable device or PDA ([0199]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota.**

For claim 17, Hirota does not explicitly teach that the server device comprises vending machine. However, Hirota teaches that any arbitrary device can be controlled by any arbitrary device according to the teachings of his invention ([0197]). Furthermore, in the background of the invention, Hirota strongly suggests operating home electric appliances and automatic vending machines (as long as they have CPUs and communication functions and linkup capability via a network) using, as remote controllers, various mobile devices. Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to modify Hirota's teachings to use a vending machine as the controlled device to arrive at the instant invention. The motivation would have been to improve the users convenience (Hirota, [0013]).

**Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota in view of Margalit et al. (US 6,763,399 B2) hereinafter Margalit.**

For claim 13, according to the instant disclosure, the logic, enabled by software and/or hardware on the server device 115 for sending the user interface descriptions 122 to the client device 105 may be integral to the server device 115, or the functionality

may be reduced to and encompassed within an add-on device in communication with the server device 115, wherein the add-on device operates as the server device 115 by connecting to a vending machine or other device through, for example, a USB port on the vending machine or other device. Hirota does not teach that the server device comprises a functionality reduced to an add-on device. However, Margalit teaches a system and method of reducing a smart card functionality of a host system to an add-on portable device that has a USB interface for connecting the portable device with the host via USB protocol and a microprocessor for controlling the transfer of data via the USB interface and a smart card chip for performing the smart card functionality. Margalit essentially teaches a method of reducing some functionality of a host server to an add-on device. Therefore, it would have been obvious for a person of ordinary skill in the art at the time of the invention to modify Hirota's teachings with that of Margalit in order to reduce the functionality of sending the user interface descriptions to the client device to an add-on device. The motivation would have been to provide the mobile population the benefit of using the invention using existing conventional devices equipped with USB interface (Margalit, column 1 lines 16-20).

#### ***Response to Arguments***

Applicant's arguments filed on 05/29/2007 have been fully considered but they are not persuasive.

- I. **35 USC § 102(b) rejections of claims 1, 2, 9-11, 18-20, and 26 by US Pat. No. 6,502,000 by Arnold, et al. ("Arnold")**

For independent claim 1, Applicant argues that claim 1 has the following element and limitations:

*“mapping of the commands and the options to inputs on the common interface, thereby producing mapped inputs.”*

Applicant asserts Arnold fails to describe both the “mapping” and “common interface” limitations of the claim.

The Examiner disagrees with the Applicant. Arnold's invention teaches a technique for essentially controlling any controlled device by any controlling device (see c2:21-27, c3:27-38). In order to achieve this flexibility in device controlling, Arnold teaches sending only a set of choices and information relating to those choices (e.g., commands and the options) from the controlled device to the controlling device, leaving the controlling device free to display the set of choices and the information relating to them in any way that it chooses. If the controlling device has only a limited user interaction capabilities (e.g., a limited User Interface), a very limited user interface for the controlled device can be constructed. However, if the controlling device has rich possibilities for user interaction, these can be exploited to create a rich user interface for the controlled device at the controlling device (c2:21-33). Displaying or making available for selection the choices and information relating to those choices using the User Interface (UI) of the controlling device constitutes a mapping of the commands and the

options to inputs on the controlling device. Thus Arnold clearly teaches the "mapping" limitation as recited in the claim.

As for the "common interface", Arnold's controlling device itself represents a "common interface" since it makes available to the user the same interface functionalities of the controlled device, although in a different form according to its' capability. In addition and in the alternative, the controlling device with its' User Interface is a client device "having a common interface" because a single device is used to control many different controlled devices, thus the device itself works as a common interface to the user for controlling multiple devices.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the xml schema file and xml file do not result in the change of any code during the mapping" as recited in Section I, page 2 lines 18-19) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Based on the above explanation, the Examiner believes that Arnold anticipates both the "mapping" and the "common interface" limitations of claim 1, and by analogy also anticipates independent claims 10, and 19.

**II. 35 USC § 102(e) rejections of claims 1-12, 14-16, and 18-27 by US Pub. App. No. 2003/015889 A 1 by Hirota ("Hirota").**

For independent claim 1, Applicant argues that claim 1 has the following element and limitations:

*"mapping of the commands and the options to inputs on the common interface"*

Applicant asserts Arnold fails to describe the "common interface" limitation of the claim.

In addition and in the alternative, Applicant asserts that Applicant's mapping does not include Hirota's "binding layer" at all and says, "As Applicant's mapping is markedly different from Hirota's, ..., then Hirota fails to anticipate Applicant's claim 1 as a matter of law since, for one, neither Hirota's binding layer is present nor is anything similar to it"

(page 4, lines 12-16).

The Examiner disagrees with the Applicant. Hirota's invention teaches a technique for essentially controlling any controlled device by any controlling device (see Fig. 1 where both a copier 101 and an air-conditioner 105 is controlled by either mobile phone 102 or Digital Camera 106, [0197], [0199]). Therefore, the controlling device with its' User Interface is a client device "having a common interface" because a single device is used to control many different controlled devices, thus the device itself works as a common interface to the user for controlling multiple devices.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Applicant's mapping is markedly different from Hirota's" as recited in Section II, page 4 lines 12-16) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Based on the above explanation, the Examiner believes that Hirota anticipates the "common interface" limitation of claim 1, and by analogy also anticipates independent claims 10, 19 and 27.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashedul Hassan whose telephone number is 571-272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



(Rashedul Hassan)



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SUPERVISORY PATENT EXAMINER